

We celebrate Black History Month at a time when our civil rights are under attack. I joined many of my colleagues in filing an amicus brief in support of the affirmative action plan of the University of Michigan. Affirmative action is under attack in this country more than 30 years after the Supreme Court's decision in *Baake*.

Nearly 35 years ago, President Lyndon B. Johnson issued Executive Order 11365 to establish the National Advisory Commission on Civil Disorders to respond to the civil unrest in urban cities. The problems identified by the commission: disparities in police practices, unemployment and underemployment, inadequate housing and poor education remain problems in the African American community three decades later.

The 1968 Report of the National Advisory Commission, also known as the Kerner Commission Report, recommended expanding opportunities for higher education and removing the financial barriers to higher education. Yet, here we are, three decades later, defending affirmative action efforts, battling high unemployment rates in the African American community, dealing with poor housing and deteriorating education in urban areas for children in K-12.

Affirmative action has moved to the center of public debate with the challenge to the University of Michigan's affirmative action program. It has become the catchall phase for those who challenge efforts to promote diversity.

Affirmative action is a set of tools used to give qualified individuals equal access and equal opportunity to employment or education. It means taking positive steps to end discrimination so that managers or other people who make hiring decisions have to give every candidate a reasonable chance to compete. What it does not mean is quotas or preference for unqualified applicants.

I would like to remind my colleagues that before the release of the Kerner Commission Report, affirmative action law can be traced back to the early 1960s, when the Warren Court, and then the Burger Court, dealt with the problem of integration in America's public schools. The basic statutory framework for affirmative action in employment and education services is the Civil Rights Act of 1964. Public and private employers with 15 or more employees are subject to a comprehensive code of equal employment opportunity regulations under Title IV of the 1964 Act.

Affirmative action is needed to address present day discrimination, and the problems that women and minorities must contend with when they apply for jobs, educational opportunities or try to move up the corporate ladder. We need affirmative action because discrimination still exists and is holding America back from achieving the highest principles of fairness and equality.

It dismays me that affirmative action is under such intense scrutiny. If the Supreme Court rules against the University of Michigan, opportunities to enter the doors of our great higher educational institutions will be denied to thousands of minorities. This is truly a watershed case, and I am disappointed that the President has come out publicly against the school's affirmative action plan. The University of Michigan established a sound and well thought through admissions plan both in the undergraduate school and the law school. This

was clearly a solid use of affirmative action. The school followed the spirit of the law and considered a range of variables in admitting students, including unique talents, interests, experiences, leadership qualities and under-represented minority status.

We do not live in a colorblind society. The 14th amendment to the U.S. Constitution guarantees that no state shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

When affirmative action works, qualified women and minorities have a fair chance at employment, education, and business opportunities.

The 1968 Kerner Commission found that the extent of underlying socio-economic problems caused racial strife. While I believe that African Americans have made tremendous strides, we still have a long way to go to reach true equality. African Americans on a daily basis face prejudice, police brutality, and racial profiling. Unfortunately, we are not often in the position to seek redress through the judicial system. The judicial nominees to our nation's courts are becoming more and more conservative. I opposed the Pickering nomination and I oppose the Estrada nomination.

Socio-economic barriers still exist in the African American community. There are 36.4 million African Americans in the country, according to the latest census. This is 12.9 percent of the total population, yet the poverty rate for African Americans is 22.7 percent.

African American History Month is a celebration of people who have gone before us and on whose shoulders we stand, of people who stand among us today transfixed on a goal to achieve even more. It is a time to pause and renew our commitment to realize the progress and achievements of our people and to go much further as we write our own chapter. A time to continue the legacy of African American History.

President John F. Kennedy said in 1963 that "Every American ought to have the right to be treated as he would like to be treated, as one would wish to be treated, as one would wish his children to be treated." I believe those words ring true today 40 years later.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I commend my colleague, Mr. CUMMINGS for reserving this special order to celebrate Black History Month, a commemoration that dates back to 1926 when Black Americans celebrated Negro History Week.

Mr. Speaker, it is my hope that the citizens of the United States, especially young African-Americans, recognize how we've grown and developed since then. And also realize and appreciate the important contributions of their forebears and contemporaries to the development of this nation and American society.

I am proud to stand before you today to salute two outstanding citizens from my childhood home to Waco and congressional district of Dallas. James Andrew Harris was born on March 26, 1932 in Waco, Texas. As a graduate of Houston-Tillotson College in Austin with a chemistry degree, Mr. Harris worked in the Nuclear Chemistry Division of the Lawrence Radiation Laboratory at the University of California. There he was part of the team that discovered and identified elements 104-Rutherfordium and 105-Dubnium on the Periodic Table of Elements.

Dr. Otis Boykin was born in 1920 and raised in Dallas. His mother was a homemaker and

his father a carpenter. Dr. Otis attended Fisk University and the Illinois Institute of Technology. Unfortunately, his parents could not afford his tuition and he dropped out of college after two years. Thereafter, Dr. Boykin built electrical devices used today in all guided missiles and IBM computers. He also developed a control unit for an artificial heart simulator (pacemaker) that helps millions of cardiovascular patients. Otis Boykin will be remembered as one of the greatest inventors of the twentieth century.

Mr. Speaker, today I am worried that given the current educational settings of our country, future Otis Boykins and James Andrew Harris will not have the opportunity to pursue their dreams or realize their talents.

I want to focus briefly on what is going to happen in my State of Texas. It is reported that at least \$2.7 billion must be cut from Texas public education over the next two years to balance the state budget without a major increase in taxes or fees. The University of Texas at Austin will hire fewer professors, forcing students to scramble for the classes they want. At Texas Women's University, fewer police officers may patrol the campus. Some intercollegiate sports may disappear from Collin County Community College. Tuition will probably rise at Dallas County Community Colleges. Universities, medical schools, community colleges and the Texas Higher Education Coordinating Board collectively must slash \$343.8 million in the middle of the school year.

Mr. Speaker, one University of North Texas official summarized the current situation very clearly: "The monster came through our door, and now he's sitting on our lap."

I am further concerned as I read new stories, such as a Washington Post article which recently indicated that Oregon is on the verge of cutting as many as 24 days from its school year. The United States ranks 18th among the industrial nations in school year length. How can we expect American schoolchildren to learn in 180 days as much as Korean children learn in 220? They cannot!

Just a couple of weeks ago we listened to President Bush's well-written, well-delivered State of the Union address. Yes, it was nice to hear words about diversity, higher education, making college more affordable, and leaving no child behind. But words are cheap! What has been done to increase the diversity of our populations in higher education? What is being done to make higher education more affordable? And how will we ensure that no child is really left behind in our elementary and secondary public school education system?

Mr. Speaker we should invest in the education of under-privileged young people here at home. It will improve not only our educational system, but our society as a whole. So many Otis Boykins and James Andrew Harris will have the opportunity to revolutionize technology that affects people's everyday lives.

Again, thank you to Congressman CUMMINGS for organizing tonight's special orders.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks and include extraneous material on my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ABC CODES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the billing code system in the United States permits insurance reimbursement for health services and facilitates review of patient access and utilization of benefits.

Mr. Speaker, the way we determine health policy, evaluate health care services and codify those services for reimbursement impacts our health care system in dramatic ways. In health care reimbursement, if there is no code for the product, it will not get reimbursed.

Many Americans use complementary and alternative health care procedures, including nursing, chiropractic, acupuncture, naturopathic medicine, nutritional and botanical therapies. Too often there is no insurance reimbursement or inadequate reimbursement for these health-promoting services. And one reason is because there is no standardized tool to code these services and products. As a consequence, those who can afford it pay out of pocket and those who cannot are denied access.

Right now the Current Procedure Terminology code, or CPT codes as it is called, is the only approved coding standard available for insurance reimbursement. It is geared strictly to services provided by physicians and does not have the capability to represent services by other licensed providers including nurses. The CPT codes cover only about a quarter of all health care services used by Americans, leaving out three quarters of all health care products and services used to stay healthy and prevent disease. This creates critical gaps in knowledge about the health care marketplace.

On January 16, Health and Human Services Secretary Thompson authorized a pilot test of a new coding practice in accordance with the provisions and regulations governing the Health Insurance Portability Act that facilitates electronic transactions. These new codes supplement CPT codes and support tracking, measurement and analysis of the economic and health outcomes of complementary and alternative medicine, nursing and other forms of integrated health care. We have the opportunity as a result of this action to make major strides in addressing pressing issues in health care, accessibility, quality and cost management.

Mr. Speaker, this new technology is a set of alphabetic codes, called ABC codes, that function in a manner simi-

lar to the bar codes in the retail industry. This innovative new technology can provide us as health policy-makers with a more complete and accurate picture of the way U.S. health care is managed, financed, and delivered in terms of what works and what does not.

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Head-to-head comparisons of conventional, complementary and alternative care are necessary to identify and advance the most health-promoting and cost-effective health care practices.

Mr. Speaker, I learned about the ABC codes because they address many health care services that have been largely ignored and undervalued and because studies show it is much more cost-effective to prevent disease than to treat it after it has developed.

The developers of ABC codes have designed ABC codes to fit into existing health care data fields, software application and information systems. So the cost and burden of implementation is small, but the benefits are large, and ABC codes help payers identify when reimbursement is justified as it relates to whether the provider is licensed under State law.

Mr. Speaker, I urge everyone to pay close attention to this pilot program to learn of the value of integrating complementary health care and assisting us in developing a model of care that is more cost-effective and health promoting.

SENATE CONFIRMATION OF MIGUEL ESTRADA

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I would like to yield to the majority leader, the gentleman from Texas (Mr. DELAY). I think his comments are especially pertinent this evening in consideration of the debate that is going on in this Capitol. So I yield to the gentleman.

Mr. DELAY. I greatly appreciate the gentleman giving me some of his time. The gentleman is on this floor on a very regular basis making some very important remarks about very important issues, and he will continue that, but the gentleman is right, Mr. Speaker.

Tonight is a very, very important night. There is a debate going on in this town that is highly important to the future of this country. The debate is so important that I hope the American people are tuning in and understand what is going on in this country.

Because, Mr. Speaker, there is a gentleman that has been nominated to serve on the D.C. Court of Appeals bench. The gentleman's name is Miguel Estrada. Miguel Estrada is exactly the type of highly qualified lawyer that America needs on the bench in this country. His story also mirrors Amer-

ica's best heritage of individual achievement and the blessings available to those who choose to hitch their futures to our republic. He represents the best tradition of hard work, perseverance, dedication and integrity. He built a strong record of academic excellence in leading universities.

The left often opposes conservative judicial nominees on the basis of an unfavorable rating from the American Bar Association, but in this case, Mr. Speaker, even the ABA recognizes that Miguel Estrada is well qualified. In fact, Al Gore's close legal adviser and former chief of staff Ron Klain had this to say about Estrada: Miguel is a person of outstanding character, tremendous intellect and with a deep commitment to the faithful application of precedent. The challenges that he has overcome in his life have made him genuinely compassionate, genuinely concerned for others and genuinely devoted to helping those in need.

Former President Bill Clinton's Solicitor General Seth Waxman said, During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. In no way did I ever discern that the recommendations Mr. Estrada made or the analyses he propounded were colored in any way by his personal views or indeed that they reflected any consideration other than the long-term interests of the United States. I have great respect both for Mr. Estrada's intellect and for his integrity.

There, Mr. Speaker, we have it. Objective observers from the other side of the aisle recognize that Miguel Estrada is a highly qualified and intellectually gifted legal superstar who would immediately raise the standard of the bench on his first day.

There is no substantive basis for opposing his candidacy beyond the vicious and intellectually dishonest tenets of an all-consuming leftist ideology that is driven entirely by an appetite to destroy anyone standing beyond its control.

The left is inflamed by any prospective judicial candidate with the courage to oppose their unrelenting, small-minded, intolerant hostility to the traditional foundations of American life: faith in God, reverence for tradition, respect for the true rule of law and the recognition that we are all ultimately accountable for our actions.

That last point in particular, Mr. Speaker, summons the deepest venom and bile from the left. They attempted over the four decades beginning in the 1960s to put forth a vast and sordid swindle upon the American people. The left claim that men and women could take any action, that they could ignore our most sacred and sacrosanct traditions, that in service of convenience they could callously destroy and step forward without consequences.

Now we know better. We know that the left's malevolent campaign to undermine the notion of truth itself comes at a frightful price. Their malignant hold over the intellectual life of